

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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THEODORE PEARLMAN, MARC TELL, JULIA
GALLO, DOROTHY RABSEY, and JOHN
AZZARELLA, individually and on behalf
of all others similarly situated,

Plaintiffs,

-against -

ORDER

CV 10-4992 (JS) (AKT)

CABLEVISION SYSTEMS CORPORATION,

Defendant.
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A. KATHLEEN TOMLINSON, Magistrate Judge:

The Court has reviewed the January 12, 2016 status report [DE 181] filed by Plaintiffs' counsel and has conferred with Judge Seybert regarding the issues raised in that report.

With regard to Plaintiff's motion for partial summary judgment which was previously briefed and filed, the Court is permitting any party who wishes to update its Rule 56.1 Statement of Undisputed Facts or Rule 56.1 Counterstatement of Undisputed Facts to do so, notwithstanding Plaintiffs' objections to that procedure. Counsel are directed to have a further meet-and-confer regarding the exchange of their Rule 56.1 Statements. If Plaintiffs wish to update their Rule 56.1 Statement, they must serve their updated Rule 56.1 Statement by February 16, 2016, and Defendant must serve its Rule 56.1 Counterstatement by March 8, 2016. If Plaintiffs do not wish to update their Rule 56.1 Statement, then Defendant is to serve its Rule 56.1 Counterstatement by February 16, 2016. The parties are not required to file a new request for a pre-motion conference before Judge Seybert regarding this particular motion. Instead, the Court is directing the parties to abide by the following briefing schedule:

- Plaintiff's motion must be served and filed by: March 31, 2016
- Defendant's opposition must be served and filed by: May 6, 2016
- Plaintiff's reply must be served and filed by: May 18, 2016

With regard to *Defendant's* anticipated motion for summary judgment, the parties are to follow Judge Seybert's Individual Rules which require the exchange of Rule 56.1 Statements prior to requesting a pre-motion conference. The parties have agreed that Defendant will file a letter requesting a pre-motion conference before Judge Seybert by March 18, 2016, after the parties have exchanged Rule 56.1 Statements according to Judge Seybert's Individual Rules, and that Plaintiff will have until March 25, 2016 to submit a letter in opposition. *See* DE 181 at 3.

Finally, as for the deadline to file the Joint Pretrial Order ("JPTO") and the timing of the Joint Pre-Trial Conference, the Court declines Defendant's request to hold these dates in abeyance until after Judge Seybert resolves the parties' motions for summary judgment. However, the Court will adjourn these dates until after the motions have been fully briefed and filed. The JPTO is to be filed on ECF by September 15, 2016. The Pre-Trial Conference will be held on September 21, 2016 at 2:30 p.m. in Courtroom 910.

SO ORDERED.

Dated: Central Islip, New York
January 26, 2016

/s/ A. Kathleen Tomlinson

A. KATHLEEN TOMLINSON
U.S. Magistrate Judge